

JOURNAL OF THE HOUSE.

Wednesday, May 4, 2005.

Met according to adjournment, at eleven o'clock A.M., with Mr. Petrolati of Ludlow in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Prayer.

God of Forgiveness and Truth, we depend on You and Your assistance for the intellectual and moral courage and the strength to recognize and carry out our legislative and personal responsibilities. Each day we are faced with decisions, some uncomplicated, some complex and some emotional. In making our choices, inspire us to think through and evaluate our options so that people and the culture are served by our thoughtful and principled decisions at the present time and in the future. Help us to be aware of and alert to the great needs of people in our Commonwealth, especially the needs of children and senior adults. May our personal and legislative goals, ideals and standards remain clear, noble and ethical as we unite people in seeking common causes and a unity of goals.

Grant Your blessings to the Speaker, the members and the employees of this House and their families. Amen.

Pledge of allegiance.

At the request of the Chair (Mr. Petrolati), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Statement Concerning Representative Fox of Boston.

A statement of Mrs. Harkins of Needham concerning Ms. Fox of Boston was spread upon the records of the House, as follows:

Statement concerning Representative Fox of Boston.

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Fox of Boston, was not present in the House Chamber for today's sitting due to illness. Had she been present for the taking of the roll call on acceptance of the report of the committee of conference on the Senate Bill promoting stem cell research (Senate, No. 2032), she would have voted in the affirmative. Any roll calls that she missed today is due entirely to the reason stated.

Statement Concerning Representative Rogers of Norwood.

A statement of Mrs. Harkins of Needham concerning Mr. Rogers of Norwood was spread upon the records of the House, as follows:

Statement concerning Representative Rogers of Norwood.

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Rogers of Norwood, was not present in the House Chamber for today's sitting due to illness. Had he been present for the taking of the roll call on acceptance of the report of the committee of conference on the Senate Bill promoting stem cell research (Senate, No. 2032), he would have voted in the negative. Any roll calls that he missed today is due entirely to the reason stated.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Resolutions (filed by Mrs. Harkins of Needham) congratulating Aaron (Ron) Sockol of Needham for his many years of dedicated service to the community;

Aaron Sockol.

Resolutions (filed by Messrs. Galvin of Canton and Kafka of Stoughton) on the occasion of Law Day 2005 celebration; and

Law Day.

Resolutions (filed by Representatives Walrath of Stow and DiMasi of Boston) honoring the Jennifer Hunter Yates Sarcoma Foundation's "12,402 Steps to Cure Sarcoma Walk";

Sarcoma Walk.

Mr. Scaccia of Boston, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Mr. Smizik of Brookline, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Petition.

Mr. O'Flaherty of Chelsea presented a petition (accompanied by bill, House, No. 3839) of Eugene L. O'Flaherty and others (with the approval of the mayor and city council) relative to the holding of public school classes in the city of Chelsea on Bunker Hill Day; and the same was referred to the committee on Education. Sent to the Senate for concurrence.

Chelsea public schools.

Orders of the Day.

The report of the committee of conference on the disagreeing votes of the two branches, with reference to the House amendments of the Senate Bill promoting stem cell research (Senate, No. 2032),— recommending that the Senate recede from its non-concurrence with the House in its amendments, and concur therein with a further amendment by substitution of a Bill relative to enhancing regenerative medicine in the Commonwealth (Senate, No. 2039),— was considered.

Stem cell research.

Pending the question on acceptance of the report, in concurrence, Mr. Jones of North Reading asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Petrolati of Ludlow), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 157 members were recorded as being in attendance.

Quorum, yea and nay No. 58.

[See Yea and Nay No. 58 in Supplement.]

Therefore a quorum was present.

After debate the question on acceptance of the report, in concurrence, was taken by yeas and nays, at the request of deMacedo of Plymouth; and on the roll call 119 members voted in the affirmative and 38 in the negative.

Committee of conference report accepted, yea and nay No. 59.

[See Yea and Nay No. 59 in Supplement.]

Therefore the report was accepted, in concurrence.

Paper from the Senate.

The following order came from the Senate with the endorsement that it had been adopted by said branch:

Ordered, That Joint Rule 1 be amended by striking out the second paragraph and inserting in place thereof the following paragraph:—

Each committee to consist of six members of the Senate, and eleven members on the part of the House except the committees on Economic Development and Emerging Technologies, Health Care Financing and Transportation which shall consist of seven members of the Senate and thirteen members on the part of the House.”.

Under suspension of the rules, on motion of Mr. Scaccia of Boston, the order was considered forthwith.

Pending the question on adoption of the order, in concurrence, the same member moved that it be amended by adding at the end thereof the following:

“; and be it further

Ordered, that the Joint Rules be amended by striking out Joint Rule 1E and inserting in place thereof the following rule:—

1E. The joint standing committee on Health Care Financing shall review all legislation relating to health care to evaluate the appropriateness and fiscal effect of such legislation. A matter within the jurisdiction of said committee may, if appropriate, initially be referred to another joint standing committee sharing jurisdiction of the subject-matter. Once reported by such joint standing committee, the matter shall be referred to the joint committee on Health Care Financing, and the matter shall thereafter be reported to the branch in which the bill originated.

For all matters initially referred to the joint committee on Health Care Financing and not previously referred to another joint committee, the joint committee on Health Care Financing may make favorable reports to either branch, at the discretion of the committee, except that reports on money bills shall be made to the House.

In compliance with the provisions of section 38A of chapter 3 of the General Laws, the joint committee on Health Care Financing when reporting on bills referred to them shall include therewith a fiscal note prepared in accordance with the provisions of section 3A of chapter 29 of the General Laws, showing the estimated cost or the fiscal effect of the proposed legislation, if, in the opinion of said committee, such cost or fiscal effect exceeds the sum of one hundred thousand dollars it shall be referred by the Clerk of the branch to the Committee on Ways and Means prior to debate and reconsideration of the matter by the branch.”.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Jones of North Reading; and on the roll call 135 members voted in the affirmative and 21 in the negative.

[See Yea and Nay No. 60 in Supplement.]

Therefore the amendment was adopted.

Joint
Rule 1,
amend.

Amendment
adopted,
yea and nay
No. 60.

On the question on adoption of the order, in concurrence, as amended, the sense of the House was taken by yeas and nays, at the request of Mr. Peterson of Grafton; and on the roll call 135 members voted in the affirmative and 21 in the negative.

[See Yea and Nay No. 61 in Supplement.]

Therefore the order was adopted, in concurrence, as amended. Sent to the Senate for concurrence in the amendment.

Order.

On motion of Mr. DiMasi of Boston,—

Ordered, That when the House adjourns today, it adjourn to meet tomorrow at eleven o'clock A.M.

Order
adopted,
yea and nay
No. 61.

Next
sitting.

At sixteen minutes before four o'clock P.M., on motion of Mr. Vallee of Franklin (Mr. Petrolati of Ludlow being in the Chair), the House adjourned, to meet tomorrow at eleven o'clock A.M., in an Informal Session.